



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No.7306-99

21 July 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Naval Reserve on 14 February 1942 for two years at age 25. The record reflects that you participated in the invasions of Sicily in July 1943 and Salerno in September 1943, the assault landings at Anzio from January through March 1944, the Iwo Jima operations from February through March 1945, and the Okinawa operations from March to June 1945. You were advanced to gunners mate first class on 1 March 1945 and honorably discharged on 15 November 1945.

On 26 January 1982, you wrote to the Chief of Naval Personnel stating that you never received any medals for the invasions you were in, and further alleged that you should have received the Purple Heart Medal for two smashed fingers you received at either Salerno or Anzio while loading a 5"/38 caliber gun that was being fired at enemy aircraft. On 4 March 1982, National Personnel Records Center (NPRC) furnished American Campaign Medal, Asiatic-Pacific Campaign Medal, WW II Victory Medal, Philippine Liberation ribbon, and the Good Conduct Medal. A response to your request concerning the Purple Heart Medal is not shown in available records.

You resubmitted your request for the Purple Heart on 28 September

1984. NPRC advised you on 5 December 1984 that neither your service nor medical records disclosed that you were ever wounded as the direct result of enemy action. Eligibility for the Purple Heart Medal required that the injury be the "direct result of enemy action." The injury described was the result of actions between you and the 5"/38 caliber gun, and not as a result of direct fire from the enemy.

The Navy and Marine Corps Awards Manual provides that in order to be eligible for the Purple Heart Medal, an individual must have been wounded or received injuries as a direct, or indirect result of action against an enemy of the United States. Indirect injuries would be fragment wounds received from the shrapnel of an exploding projectile that was fired or dropped by enemy aircraft.

In its review of your application, the Board conducted a careful search of your record for any evidence which indicated that you were treated for wounds as a result of enemy action. The Board particularly noted the statements in support of your application and the chief pharmacist mate's statement who served on board the USS BISCAYNE with you. He recalls that you smashed some fingers on your left hand on a projectile that was being sent up from the forward magazine room while the ship was firing at aircraft. He noted that after the air raid, the ship's physician examined the injury but could not recall if the doctor entered it in the medical log. The Board concluded that you have provided insufficient evidence to show that you were wounded as the direct or indirect result of enemy action. The Board thus concluded there was no basis for awarding the Purple Heart Medal. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

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The American Legion